

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF SOCIAL SERVICES AND HOUSING

SUBTITLE 2

CORRECTIONS DIVISION

CHAPTER 206

CIVIL RIGHTS OF INMATES AND WARDS

REPEALED

SS17-206-1 to 17-206-2 REPEALED. [R **APR 15 2000**]

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DEPARTMENT OF SOCIAL SERVICES AND HOUSING

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CHAPTER 206

CIVIL RIGHTS OF INMATES AND WARDS

\$17-206-1 Civil rights and acts
\$17-206-2 Personal damages

\$17-206-1 Civil rights acts. The Civil Rights Act of 1871 (42 U.S.C. Section 1983) prohibits a person, acting under the color of the state law (e.g., a prison guard), from depriving any other person (such as an inmate or ward) of rights under the U.S. Constitution or federal laws. As long as personnel act reasonably and prudently in all circumstances and follow all rules and the advice of the attorney general, no inmate or ward will be deprived of civil rights. While an inmate or ward is not without civil rights, the rights are nevertheless tempered by the fact of incarceration and the exigencies of correctional facility management and discipline. [Eff.

OCT 6 1983] (Auth: HRS §353-3) (Imp: HRS §353-3)

\$17-206-2 Personal damages. The Civil Rights Act permits the recovery of personal damages against one who violates the inmate's or ward's civil rights under color of state law. However, staff personnel are protected by a qualified immunity which prevents the imposition of damages unless the inmate or ward proves that the person violated the inmate's or ward's clearly established constitutional rights.

[Eff. OCT 6 1983] (Auth: HRS §353-3) (Imp: HRS §353-3)